

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

UNITED STATES OF AMERICA,
Plaintiff,

CASE NO.: 05-CV-50063-1FL

vs.

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL

ROBERT MICHAEL McLEAN,
Defendant.

ORDER DENYING DEFENDANT'S
MOTION TO REVIEW ORDER OF DETENTION

This matter came before the Court for hearing on January 9, 2006, and January 19, 2006, on the Defendant's "Motion To Review Order of Detention," filed on December 14, 2005.

In his motion the Defendant states that prior to the date scheduled for trial in this matter, his potential expert witness in this case indicated that a comparison of photographs taken inside the banks where the alleged frauds occurred in this matter indicated that it does not appear by the expert to be that of the Defendant. The trial was originally scheduled to begin on December 13, 2005. However, in light of the information by the expert the parties had agreed to adjourn the trial until February 13, 2006. The Defendant further indicates that since there appears to be a question as to whether the Defendant is the individual in the photograph, the fact the he has been detained since September 8, 2005; and that this is a non-violent crime, bond would be appropriate in this matter.

The Government in their response and at the hearing oppose the Defendant's release based upon the Defendant's extensive criminal record dating back to 1964. A number of those charges

which involve un-armed robbery, armed robbery, and assault. The Government further indicates that based upon their investigation of this Defendant he has lived a transient lifestyle. The Government also raises an evidentiary issue concerning the automobile used in the instant offense which is registered to the Defendant.

Having reviewed the motion, the response thereto, and the information presented at the hearing, the Court is not satisfied that the Defendant should be released on bond in this matter. As stated in its original Order of Detention, the Defendant has a lengthy criminal history involving illegal drugs, as well as two convictions for felony armed robbery, and escape from prison. Further, the information presented indicates that the Defendant has lived an elusive, transient lifestyle. Although, there may be an issue as to whether the Defendant is the actual person in the bank photographs, that issue will be dealt with at the up-coming trial.

The Court finds that there is no reason to overturn the order of detention previously entered. Accordingly, the motion to review bond in this matter is hereby **DENIED**.

IT IS SO ORDERED.

The parties are hereby informed that any objections to this order must be filed with the district court within ten days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: January 20, 2006

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on **January 20, 2006**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Mark C. Jones, AUSA, Kenneth R. Sasse, Esq., Federal Defender Office, and I hereby certify that I have hand delivered/ mailed by United States Postal Service the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, MI, Pretrial Services Officer, 600 Church St., Flint, MI.

s/ James P. Peltier
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